

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
\_\_\_\_\_

Ex parte FRIEDEL FRAUENDORFER  
\_\_\_\_\_

Application 09/719,258  
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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER  
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This application was electronically received at the Board of Patent Appeals and Interferences on July 7, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith electronically returned to the examiner. The matters requiring attention prior to docketing are identified below.

On February 10, 2005, the Examiner filed a Supplemental Examiner's Answer, which is permitted by 37 CFR §41.43. However, the examiner must follow the guidelines set forth in training material entitled "Rules of Practice Before the Board of Patent Appeals and Interferences, Final Rule," located at the following URL:

[www.uspto.gov/web/offices/dcom/bpai/fr2004/moreinfo.html](http://www.uspto.gov/web/offices/dcom/bpai/fr2004/moreinfo.html)

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The requirement for a Supplemental Examiner's Answer is Approval by a Technology Center Director or designee.

To correct this problem, the examiner will need to vacate the Supplemental Examiner's Answer mailed February 10, 2005, and file a new Supplemental Examiner's Answer with the Technology Center Director's approval.

In addition, it is noted that the appellant was not charged for the Appeal Brief fee. Appropriate correction is required.

Accordingly, it is

ORDERED that the application is returned to the examiner to:

- 1) vacate the Supplemental Examiner's Answer mailed February 10, 2005;
- 2) to file a new Supplemental Examiner's Answer with the Technology Center Director's approval;
- 3) to charge the appeal brief fee; and
- 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: 

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Application 09/719,258

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